

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JULY 19, 2000**

1. ROLL CALL

The Regular City Council meeting of July 19, 2000 was called to order by Mayor Mann at 7:03pm.

Present: Council Members – Hitchcock, Land, Nakanishi, Pennino and Mann (Mayor)

Absent: Council Members – None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima, Community Development Director Bartlam, City Attorney Hays and City Clerk Blackston

2. INVOCATION

The invocation was given by Pastor Bill Crabtree, Emanuel Lutheran Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Mann presented a proclamation to Police Chief Hansen proclaiming August 1, 2000 as "National Night Out" in the City of Lodi. This year's theme is "Meet The New Chief", as Chief Hansen will be retiring, and incoming new Police Chief will be Jerry Adams, Police Captain with the Lodi Police Department. National Night Out is a great opportunity for police officers to meet the citizens and for neighbors to meet each other and form a partnership with the Police Department to ensure a safer community. Last year Lodi neighborhoods held 142 block parties and ranked #2 nationwide in participation.
- b) Bobby Whitmire with the Greater Lodi Area Youth Commission acknowledged the Teen of the Month, William Fong from Tokay High School. William has received the highest award possible in the Golden State Exams (a perfect eight for eight). This is the first time that this has been accomplished in the history of Tokay High School.
- c) Jennifer Walth, member of the Lodi Arts Commission, updated the City Council on the many activities and accomplishments of the Arts Commission, including: "Secrets of the Perfect Barbecue" class by Hugh Carpenter; Italian Cooking class by Opera Singer, Andy Laruso; and *Celebrate America!*. Upcoming Arts Commission events include the Mindy McCready concert; "Charlie And The Chocolate Factory" being performed July 21 – 23, 2000; flamenco guitar music and picnic with Ivan Nahara; Lunch Time Live concerts in the civic center mall; and the Senior Follies Talent Show auditions are coming up for those 60 years old and over.
- d) Lodi Police Officer Dennis Lewis, Founder and President of the Lodi Adopt-A-Child Foundation, provided a presentation regarding its upcoming event, ChildSpree 2000 Shopping Spree, which is a program to help build self-esteem in disadvantaged children by providing back to school clothing. ChildSpree 2000 will be held at WalMart on September 9, 2000 between 7:30 and 9:30 a.m. Nancy Lauchland, Customer Service Representative with WalMart, presented Officer Lewis with a check in the amount of \$3,000 toward the Lodi Adopt-A-Child ChildSpree 2000.

To help raise additional funds for this event, the Foundation will have several fund-raisers, including the Extravaganza 2000 Hot Rod and Harley Show scheduled for July 23, 2000 at Lodi Lake and the First Annual Swing For A Child Golf Tournament scheduled for October 8, 2000 at Micke Grove. American Golf, who operates the golf course for the county, is donating the afternoon, including green and entry fees for the event. Adopt-A-Child needs people to sponsor holes, sand traps and water hazards. Entry fee is \$100 and includes green fees, golf cart, meals, T-shirt, hat and tee prizes. Officer Lewis invited Mayor Mann to be the honorary starter at the golf tournament.

- e) Lodi Firefighter Rod Cordero announced the upcoming muscular dystrophy fundraising campaign entitled, "Fill the Boot", which will be held on Saturday, July 29, 2000 from 9:00 a.m. to 3:00 p.m. Firefighters from all over the County will be out with their boots asking for support, and Lodi and Woodbridge firefighters will have a toll area on Kettleman Lane, near the entrance of WalMart and Target. Last year local firefighters raised over \$6,000, and Countywide raised over \$32,000.
- f) Parks and Recreation Director Williamson acknowledged the recipients of the National Recreation and Park Association Commemorative Citations, and Mayor Mann presented the awards to the following:

Frank Pepper: For his dedication to the Parks and Recreation field for over 30 years and for his many accomplishments throughout his career. In addition to his Citation, Mayor Mann presented Parks Supervisor Pepper with a City of Lodi watch for being such an outstanding employee and servant to the citizens of this community.

Boosters of Boys/Girls Sports Organization (BOBS): For their continued commitment in providing sporting opportunities to the youth of Lodi. Since 1960, BOBS has assisted the City with youth sports and programs by representing thousands of volunteer coaches and youth participants. Over the years BOBS has raised \$6 million through annual budget and Capital Improvement Projects, which was put toward youth sports and facilities in Lodi. Parks and Recreation Director Williamson introduced Mickie Shults, Karen Hutz DeJong and Renee Arlt with BOBS, thanked Tom Alexander, Recreation Supervisor and staff liaison to BOBS, for his assistance in working with them.
- g) Mayor Mann presented a Resolution of Appreciation to retiring Police Chief, Larry Hansen, for his dedication and service to the City and the citizens of this community. Mayor Mann spoke of Larry Hansen as a Chief who developed into a local hero and celebrity by making appearances on the Oprah Winfrey show, Larry King Live, Americas Most Wanted, and the Discovery Channel. Larry Hansen thanked the Council and the two City Managers he has worked under for the support they've given to him and his department. He stated that the incoming Chief, Jerry Adams, is inheriting an outstanding department and has played a key roll in its development. The City of Lodi has experienced a 20% drop in crime, and, in a recent survey, 92% of the citizens indicated they feel Lodi is a safe place in which to live.

5. COMMENTS BY THE PUBLIC ON CONSENT CALENDAR ITEMS

- a) Diane Wilbur, 2124 Newbury Circle, Lodi, spoke in regard to item #E-6 entitled, "Approve 2000 Signal Priority Study and Authorize Design of Signal and Street Lighting at Harney Lane and Stockton Street" and expressed the following reasons to consider the intersection of Century Boulevard and Ham Lane a priority status:
    - Pedestrian usage: This intersection provides access to Tokay High School, English Oaks Church and Beckman Park, all of which feature special public events that produce a high volume of foot traffic. In addition, the neighborhood children cross this intersection on their way to Beckman, Lodi Middle and Tokay High schools, and the northeast corner is a bus stop for the GrapeLine.
    - Tokay High School peak hours: This intersection is difficult to orchestrate during the peak periods immediately before and after school. Most of the cars during this time are driven by young, inexperienced teen drivers who drive too fast, and often the pedestrian is found stranded on the median waiting for a safe moment to dash across.
- Ms. Wilbur stated that she feels the intersection of Century Boulevard and Ham Lane deserves immediate attention because 1) it ranked 2<sup>nd</sup> in the traffic volume category, whereas Harney Lane and Stockton Street tied in 6<sup>th</sup> place; and 2) the speed factor scoring of the Harney Lane and Stockton Street intersection was considered at a speed of 50 MPH, the highest scoring in the computation scale; however, the speed is clearly posted at 45 MPH. Ms. Wilbur urged the City Council to review the study in its entirety, factor in the concerns of the community and discuss the matter to its best resolution, which is public safety.

- b) Virginia Lahr, 311 West Elm Street, Lodi, also spoke in regard to item #E-6, indicating that the intersection of Elm and Washington streets has had a fatality, three injury accidents and numerous "fender benders". Since the redevelopment of Cherokee Lane, there is a greater amount of traffic on Elm Street, and, although the posted speed limit is 25 MPH, drivers travel at 40 – 45 MPH. There is also a public park in this area with children crossing the intersection. Ms. Lahr urged the Council to consider including this intersection in the study.

A second intersection of concern is Pine Street and Central Avenue, where there is an increased number of children crossing because of the charter school opening at the First Baptist Church. Ms. Lahr asked for the Council's consideration of this intersection, as well.

- c) Jack Flockhart, 331 LaSetta Drive, Lodi, spoke in regard to item #E-7 entitled, "Traffic Safety Improvements on Turner Road at Loma Drive", indicating that it is a very dangerous place in which to cross. Many people cross to get to Lodi Lake, and cars are driving over the 35 MPH speed limit. He felt that the yellow light is not sufficient.
- d) Barbara Flockhart, 331 LaSetta Drive, Lodi, reiterated her husband's comments regarding #E-7 and added that a red light that pedestrians can activate and stop the flow of traffic would be beneficial. In addition, there is another traffic problem where Mills Avenue intersects with Turner Road. She has witnessed many accidents at that location and quite often must wait twice as long for the light to change in order to make a left turn onto Mills Avenue.
- e) Robert Gorbet, 708 North Loma Drive, Lodi, speaking on #E-7, also commented that this is an extremely hazardous intersection. Mr. Gorbet has witnessed children waiting on the corner for 10 – 15 minutes to cross. He and his wife have been victims of near-miss accidents in that area. The ultimate solution would be to have a signal; although, at the very minimum it should at least have high intensity lighting.
- f) Jane Lea, 1931 Holly Drive, Lodi, also addressed the Council regarding #E-7, urging that more tickets and citations be issued when a vehicle infraction has occurred. Letting this bad driving behavior continue does not reduce accidents and compromises the safety of citizens. In a Lodi News Sentinel article on March 25, 2000, it stated that the City of Lodi is second in the state in pedestrian-involved accidents. In addition to the 15,000 vehicles per day that travel along Turner Road, there are 100,000 plus pedestrians that visit Lodi Lake every year. She indicated that if traffic does not stop now for one blinking light, it would not stop for two.

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6. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Land second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Agenda item #E-1 entitled, "Claims - \$5,259,994.78" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- b) Agenda item #E-2 entitled, "Minutes - July 5, 2000 (Regular Meeting)" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- c) Approved the plans and specifications for remodel to accommodate a public computer lab at the Lodi Library and authorized advertising for bids.
- d) Approved the specifications for Pedestrian Safety Improvements, Various Locations and authorized advertising for bids.

*Continued July 19, 2000*

- e) Accepted the improvements under Landscaping and Irrigation Installation at Water Well #11, 824 East Turner Road, contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
  - f) Agenda item #E-6 entitled, "Approve 2000 Signal Priority Study and Authorize Design of Signal and Street Lighting at Harney Lane and Stockton Street" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
  - g) Agenda item #E-7 entitled, "Traffic Safety Improvements on Turner Road at Loma Drive" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
  - h) Agenda item #E-8 entitled, "Award Contract for Asphalt Materials for Fiscal Year 2000/01" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
  - i) Agenda item #E-9 entitled, "Authorize the City Manager to Enter into an Agreement with the Mokelumne Rural Fire District Pertaining to the Mondavi Annexation Area" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
  - j) Adopted Resolution No. 2000-123 authorizing the City Manager to execute professional services agreements and grant applications for groundwater evaluation and recycled water programs at White Slough Water Pollution Control Facility.
  - k) Adopted Resolution No. 2000-124 approving an amendment to the contract with Laidlaw Transit Services, Inc. and authorized the City Manager to execute the amendment extending the contract through June 2001.
  - l) Adopted Resolution No. 2000-125 authorizing the City Manager to petition the San Joaquin County Superior Court, Lodi Branch, to increase the parking bail violation fines.
  - m) Authorized funds and directed the City Clerk to coordinate the Council-Hosted Reception Honoring Citizen Volunteer Service and Retirements on all City Boards and Commissions, the Boosters of Boys and Girls Sports (BOBS), Lodi Police Partners, Lodi Police Chaplains, Lodi Friends of the Library and Animal Friends Connection.
  - n) Agenda item #E-14 entitled, "Public Benefits Program Grant – City of Lodi Phase I Energy Efficiency Improvement Project" was pulled from the agenda pursuant to staff's request.
  - o) Adopted Resolution No. 2000-127 approving a Public Benefits Program grant in the amount of \$7,065.25 for St. Anne's School to partially fund a demand-side management project.
  - p) Adopted Resolution No. 2000-128 approving a Public Benefits Program grant in the amount of \$15,869.75 for Ross Dress For Less to partially fund a demand-side management project.
  - q) Adopted Resolution No. 2000-129 authorizing the City Manager to execute the United States Department of Energy Western Area Power Administration Central Valley Project, California Contract for Electric Service Base Resource with City of Lodi.
  - r) Agenda item #E-18 entitled, "Authorize City Manager to Pay \$130,000 to the Lodi Conference & Visitors' Bureau for Operations" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
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7. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-1 entitled, "Claims - \$5,259,994.78".

Council Member Hitchcock removed this item in order to request an explanation of what is involved in the \$169,852.89 figure for the PCE/TCE groundwater contamination. City Attorney Hays responded that those items were incurred prior to the closing, and without the invoices to refer to could not provide details. It does, however, represent two months of billing, and \$65,000 per month is for fees; costs are paid directly. Council Member Hitchcock then requested that copies of the invoices be provided to her.

The City Council, on motion of Council Member Hitchcock, Pennino second, unanimously approved the claims in the amount of \$5,259,994.78.

In addition, Council Member Pennino reminded the City Attorney that several months ago the Council requested a financial breakdown of what the City has spent related to the PCE/TCE issue and has not yet received the information.

- b) Agenda item #E-2 entitled, "Minutes - July 5, 2000 (Regular Meeting)".

Council Member Hitchcock removed this item in order to amend the July 5<sup>th</sup> minutes concerning the discussion of Council benefits.

Council Member Hitchcock noted that page 7 of the minutes states that she said the policy is unclear; however, she was actually indicating that the 1988 memo was regarding medical benefits only and that it was clear that the policy did not include tuition. Therefore, Council Member Hitchcock asked that the July 5<sup>th</sup> minutes be amended to read, "She reiterated that the policy is ~~unclear~~ . . ."

In addition, Council Member Hitchcock made a motion, Nakanishi second, to amend the July 5<sup>th</sup> minutes to reflect that Council Members, in their vote, did not affirm the list of benefits that were submitted by the City Manager. The motion **failed** by the following vote:

Ayes: Council Members – Hitchcock and Nakanishi  
Noes: Council Members – Land, Pennino and Mann (Mayor)  
Absent: Council Members – None

Further, the City Council, on motion of Mayor Mann, Pennino second, approved the July 5, 2000 (Regular Meeting) minutes, with the language amendment on page 7, by the following vote:

Ayes: Council Members – Land, Pennino and Mann (Mayor)  
Noes: Council Members – Hitchcock and Nakanishi  
Absent: Council Members – None

- c) Agenda item #E-6 entitled, "Approve 2000 Signal Priority Study and Authorize Design of Signal and Street Lighting at Harney Lane and Stockton Street".

Council Member Land requested that the intersection of Century Boulevard and Ham Lane be moved to a higher priority in the 2000 Signal Study, such as #1 or #2, because of the pedestrian issue. Further, Council Member Land questioned the need for signalized intersections at Mills Avenue and Lodi Avenue and Mills Avenue and Elm Street. The residents along Mills were assured that Mills Avenue would not become a major thoroughfare. Additional signals installed on Mills Avenue may encourage heavier traffic.

Council Member Pennino stated that he believes Harney Lane and Stockton Street should be funded, because it is a very dangerous intersection with a high number of accidents. Council Member Pennino further suggested that the intersection of Century Boulevard and Ham Lane be referred back to staff to determine whether it can be raised higher on the priority list.

Following a question by Council Member Hitchcock, Public Works Director Prima indicated that staff is asking for funding for the design phase only. The capital project process calls for doing the design first and then to come back with the plans. Staff has applied for funding mostly from the Congestion, Mitigation and Air Quality Program through the San Joaquin County Council of Governments (COG), the others from the State Hazard Elimination and Safety Program. In regard to the issue of Century Boulevard and Ham Lane, review of this area would be most appropriate when Century Boulevard is extended through to Lower Sacramento Road, which is anticipated to happen within the next couple of years. Most of the requests for a signal installation at Harney Lane and Stockton Street have come from the industrial business section on Stockton Street. High speeds are also a key factor to determining priority.

Council Member Hitchcock suggested that the City consider looking at doing two intersections each year or three every two years since Lodi's population has doubled since 1970. Public Works Director Prima indicated that staff has budgeted one signal installation this year, in addition to the signal installation on Lower Sacramento Road and Tokay Street, which will be done as a part of the Lower Sacramento Road widening project. The Study has been reduced to 14 locations that meet the Caltrans guidelines for traffic signals, down from 20 on the previous report.

Council Member Land reminded Mr. Prima that a couple of months ago Council asked for information regarding the intersection of Pine and Garfield streets. Public Works Director Prima responded that staff is looking at the whole neighborhood and expect to have a report to Council in August. In addition, Council Member Land asked if added police enforcement can be placed on Elm Street, especially around the park area, due to excessive speeds.

Council Member Land made a motion, Pennino second, to approve the Signal Priority Study, authorize the City Manager to execute a professional services contract for signal and street lighting design for Harney Lane and Stockton Street, and for staff to bring back recommendations for a higher priority listing of Century Boulevard and Ham Lane. Council Member Hitchcock asked that the motion be amended to include consideration of two signal installations this budget year (pending a report on funding). Council Member Land agreed to amend the motion, Pennino second, and the motion carried unanimously.

d) Agenda item #E-7 entitled, "Traffic Safety Improvements on Turner Road at Loma Drive".

In response to questions by Council Member Land, Public Works Director Prima reported that the long-term plan is to develop the west side of Lodi Lake and make a major entrance at the Mills Avenue intersection. Visitors will be able to drive in at Mills Avenue and all the way around to the back side of the lake. The current entrance activity will then be minimized. Staff is proposing to remove the current flashing beacon and replace it with high intensity lights and illuminated signs on both the mast arm and the pole on both sides of the street, which would be activated by pedestrians.

Council Member Land indicated that he is in favor of moving forward on the proposal to see if it makes an impact. If it does not slow down traffic and allow for safe passage into Lodi Lake, then something else will need to be done. Additionally, a new restaurant is anticipated on the corner of Turner Road and Loma Drive, which will increase the traffic flow in the area.

Traffic Engineer Fernandez reported that one idea, suggested by citizen Bob Gorbet, is to investigate whether a pedestrian-activated button could activate a high intensity light down on the crossing. Staff has contacted the Electric Utility Department to look into this.

Council Member Land asked staff to look at the intersection of Mills Avenue and Turner Road. Due to the roadwork being done, it is difficult to maintain vehicle control due to severe bouncing.

In response to Council Member Hitchcock, Traffic Engineer Fernandez indicated that it would not be feasible to install a pedestrian mid-block crosswalk at Loma Drive and Lodi Lake entrance due to insufficient room. A signal could be placed at the Lodi Lake entrance, although, it would be too close to Parkview and would have to be off set, or at Loma Drive. However, staff is recommending the additional pedestrian enhancements, which could be pedestrian-activated or designed with a microwave sensor.

Council Member Pennino agreed with the staff recommendation, indicating that it is the next logical step. He further expressed a concern about the potential for increased rear-end accidents if a modified street light were installed. Council Member Pennino suggested that "awareness strips" could be placed on Turner Road; however, Public Works Director Prima responded that they are not desirable in a residential area because of the noise they create.

Mayor Mann stated that he would prefer to start planning for a signal, because it appears that this is a perennial problem.

Following additional discussion, Mayor Mann made a motion, Pennino second, to direct staff to plan for a signal on Turner Road at Loma Drive in the next fiscal year. Council Member Pennino requested the motion be amended to direct staff to bring the matter back to Council to discuss funding options. The motion was so amended by Mayor Mann, Pennino second, and the motion carried unanimously.

- e) Agenda item #E-8 entitled, "Award Contract for Asphalt Materials for Fiscal Year 2000/01".

In response to Council Member Hitchcock, Public Works Director Prima stated that this request is for the maintenance work that the City crews do annually, including patching and thin overlays. Council Member Hitchcock expressed a concern that the amount of asphalt was reduced by 45% from the previous year, and stated that she did not want services reduced.

Following additional discussion, the City Council, on motion of Council Member Hitchcock, Land second, unanimously adopted Resolution No. 2000-121 awarding all three items of the contract for asphalt materials for fiscal year 2000/01 as follows:

Item A	1,000 Tons/FOB Plant	Granite Construction Company, Stockton	\$30,170
Item B	150 Tons/Stockpile City Limits	F.T.G. Construction, Lodi	\$ 5,102
Item C	1,200 Tons/Hopper of Paver	F.T.G. Construction, Lodi	\$42,408

- f) Agenda item #E-9 entitled, "Authorize the City Manager to Enter into an Agreement with the Mokelumne Rural Fire District Pertaining to the Mondavi Annexation Area".

In response to Mayor Pro Tempore Nakanishi, Community Development Director Bartlam reported that this item sets forth an agreement between the City and the Mokelumne Fire District to backfill revenue for a 10-year period that they will lose upon annexation of the area into the City of Lodi for the Mondavi winery proposal on Guild Avenue. Some months ago, the Council sent that action to Local Agency Formation Commission (LAFCO), and it is scheduled to be heard Friday, July 21, 2000. Presently the Mokelumne

Fire District serves that area for fire services and provides for an initial response from their district for a structure fire. Our return for the payment we make is 1) we keep them whole, which is the policy concern in question; and 2) it puts us in a good position to move forward with the annexation.

Following further discussion, the City Council, on motion of Mayor Pro Tempore Nakanishi, Hitchcock second, unanimously adopted Resolution No. 2000-122 authorizing the City Manager to execute an agreement with the Mokelumne Rural Fire District for a ten-year period to reimburse them for lost revenue due to the City's annexation and detachment from the district of approximately 134 acres.

- g) Agenda item #E-18 entitled, "Authorize City Manager to Pay \$130,000 to the Lodi Conference & Visitors' Bureau for Operations".

**(Due to a conflict of interest, Mayor Mann abstained from discussion and voting on this matter.)**

Council Member Land requested that a presentation regarding this matter be made by the Lodi Conference and Visitors' Bureau.

Jeri Hansen, Executive Director with the Lodi Conference and Visitors' Bureau, reported that the City of Lodi and the Lodi-Woodbridge Winegrape Commission partnered together two years ago to create the Lodi Conference and Visitors' Bureau. With that they promote Lodi as a destination, which has Lodi Lake, the new revitalized downtown, the upcoming theater, recreation opportunities, and more. It does not focus just on the wine industry. The Bureau has upcoming plans with Sunset and VIA magazines. Last year alone, the Bureau received almost a thousand responses to the ad it took out.

Council Member Land met with Robert Mondavi Sr. last year during the Blessing of the Grapes, who stated that he sees Lodi becoming the second Napa Valley due to the quality of Lodi's grapes.

In response to Council Member Land, Jeri Hansen explained that a grand opening is scheduled for September 9 – 10, 2000 for the Visitors' Center. It will have interactive wine education exhibits, information about the area's wine industries, viticulture, soil and climate, a virtual tour of Lodi that was taken from a helicopter, and a community concierge program, which is a touch screen kiosk based on its new Web Site. It will also have a Lodi wine tasting bar and an entire expansive retail boutique. The Bureau will have the ability to host special events and wine education classes. Staff is also considering a wine camp, where people would come from Friday through Sunday to visit the Lodi area, dine downtown and stay in Lodi hotels.

Council Member Land thanked Jeri Hansen for doing such an outstanding job and further stated that this is money well-spent. This is a good investment in which we will receive money in return from our sales tax revenues and the Transient Occupancy Tax (TOT).

In response to Council Member Hitchcock, Ms. Hansen stated that this is a community event, not just the City and Winegrape Commission. City of Lodi contributes 8% of the monetary contributions, and the Bureau has received a grant from the Federal government for wine education programs, which it is sharing with Cal Poly State University for assistance in developing some programs for the Bureau. The local agriculture industry and wineries have given a total of 9% and 13% respectively. The winegrape growers themselves, in addition to what they fund through the commission, is another 6%. The total effort is about \$1.5 million. The budget for the Convention and Visitors' Bureau is only about \$230,000, and not all of that is in cash, a lot of it is in-kind donations, such as free meeting locations, product discounts, etc.

Mark Chandler, Executive Director of the Lodi-Woodbridge Winegrape Commission, expressed his appreciation to the Council for their support and cooperation.

Further, in response to Mayor Pro Tempore Nakanishi, Ms. Hansen stated that she feels Lodi does not have enough hotels to meet the needs.



The City Council, on motion of Council Member Land, Pennino second, adopted Resolution No. 2000-130 authorizing funds in the amount of \$130,000 for operating costs of the Lodi Conference and Visitors' Bureau Partnership by the following vote:

Ayes: Council Members – Hitchcock, Land, Nakanishi and Pennino  
Noes: Council Members – None  
Absent: Council Members – None  
Abstain: Council Members – Mann (Mayor)

8. RECESS

At 9:15 p.m., Mayor Mann called for a recess and the City Council meeting reconvened at 9:30 p.m.

9. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mann called for the continued Public Hearing to consider an appeal of the Planning Commission's Decision on Century Meadows 4, Delmar Batch, Appellant.

ACTION:

The City Council was informed that the appellant, Delmar Batch, submitted a letter requesting that this appeal be withdrawn; therefore, there was no Council action required.

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mann called for the Public Hearing to consider Lodi Station Parking Structure Project and approve plans and specifications and advertisement for bids for Lodi Station Parking Structure.

Public Works Director Prima reviewed the proposal. He reported that placement of the structure was moved back 5 feet, so there is a very clear view of the arch. The attempt to save the redwood trees has had a significant impact on the ability to provide parking. Long-term viability of the trees in that setting was poor, consequently staff felt it was better to remove the trees. Trees are also being added on Sacramento and Pine streets. In terms of the redwoods, staff suggests a specific mitigation measure, in that we look to one of our parks, specifically Roget Park, where we could plant a grove of 40 redwoods and possibly develop a pathway through it with benches.

Hearing Opened to the Public

1. Stephen Smith, 856 Rutledge Drive, Lodi, spoke in opposition of the removal of the redwood trees.

Council Member Land questioned what year the redwood trees were planted. Mr. Prima responded that they were planted in 1985.

In response to Council Member Pennino, Mr. Prima stated that the City's Arborist has strongly recommended not moving the trees because of their size. They grow relatively fast, and it would be more economical to invest money into planting a larger number of them. He commented that staff is planning on moving the Chinese Pistache trees located along Sacramento Street.

2. Robin Knowlton, 410 West Oak Street, Lodi, expressed a concern about the traffic pattern on Pine, Elm and Oak streets and suggested that a study be done on the current traffic pattern and then compare it after the theater has been open for one year.

Public Portion of Hearing Closed

**ACTION:**

In response to Council Member Hitchcock, Public Works Director Prima reported that Measure K is the largest portion of funding being used at \$3 million, Community Development Block Grant is about \$100,000 applied specifically on Sacramento Street, and the air district funding is \$300,000. The City also received a Federal earmark of \$800,000, Electric Utility is paying for the lighting on the street and is also looking at public benefits to do the solar panels, and the Federal Transit Agency (FTA) funds total \$1.2 million.

In reply to Mayor Pro Tempore Nakanishi, Mr. Prima stated that the cost for moving the Chinese Pistache trees is \$300 - \$400 each. The redwoods are much larger, so it would be in the thousands of dollars, and there is not as good a chance for survival.

Following discussion, the City Council, on motion of Council Member Pennino, Land second, unanimously approved the plans and specifications for Lodi Station Parking Structure and authorized advertising for bids.

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mann called for the Public Hearing to consider revision of existing Massage Ordinance.

**ACTION:**

This matter was not ready for discussion; therefore, the City Council tabled the discussion regarding revisions to the Massage Ordinance for further review.

10. **COMMUNICATIONS (CITY CLERK)**

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Hitchcock, Land second, unanimously rejected the following claims:

1. Berry Construction, date of loss 5/31/00
2. Norman and Nina Jensen, date of loss 2/13/00

- b) City Clerk Blackston read the following ABC Licenses:

1. Lily Wang to Billy Shan Yueh Ju, King Tsin Restaurant, 121 South School Street, Suite B, Lodi, Person to Person Transfer
2. Alonso Esparza to Juan Jose Barajas, The Happy Burro, 226 West Kettleman Lane, Lodi, Person to Person Transfer
3. Alice J. Potter to Alvin Gottlieb Allmendinger, Bumble Bee Inn, 20 North Main Street, Lodi, Person to Person Transfer
4. D G V Inc., Omega Restaurant & Lounge, 1800 South Cherokee Lane, Lodi, Stock Transfer

11. **RECESS**

At 9:45 p.m., Mayor Mann called for a five-minute recess and the City Council meeting reconvened at 9:50 p.m.

12. **REGULAR CALENDAR**

- a) Agenda item #H-1 entitled, "Authorize Recreation Staff to Administer, Maintain and Operate an After School Playground Program at Lockeford Elementary School".

City Manager Flynn introduced San Joaquin County Supervisor Jack Sieglock, who presented information about and urged Council to support entering into an agreement with the County to provide a childcare program in the community of Lockeford. The County is working with the City of Lodi on some after school programs that are being funded with CalWorks dollars. He indicated that the details in terms of the contract between the City and the County still need to be finalized, and this evening's request is to receive the Council's blessing to work together in creating this agreement.

Council Member Pennino feels this is a good program and that the City should do more partnerships like this. He believes the City should charge the true costs, including the overhead of the appropriate administration. Supervisor Sieglock agreed with this point and indicated that he has suggested to the Deputy City Manager that an administrative charge be included in the agreement.

Council Member Hitchcock agreed that the City should be compensated for hard and soft costs, in terms of administrative services. She expressed appreciation of Supervisor Sieglock's lone vote in support of funding from the County for Parks and Recreation.

Supervisor Sieglock stated that we probably need to lobby harder together and look at the County's budget in terms of how it benefits other communities south of Lodi. He recommended that as the City reviews future projects for capital funding, we should look at the County for another avenue of funding, because a lot of the residents from the unincorporated area do use facilities and fields in the City of Lodi.

In response to Council Member Hitchcock, Supervisor Sieglock explained that the \$500,000 that the County allocated towards the greenbelt was from the tobacco tax settlement that went to counties in the State of California and a few major cities because of their large lobbying efforts in Washington.

Council Member Pennino commented that the City has never officially been asked by the County to contribute money for the greenbelt. Council Member Hitchcock countered that the City should not necessarily wait to be asked, especially in light of the fact that Lodi has been the lead City in getting the project off the ground.

Mayor Mann interjected that the issue currently being discussed is not on the agenda and warned that it could be in violation of the Brown Act.

Following discussion, the City Council, on motion of Council Member Pennino, Land second, unanimously authorized the Parks and Recreation staff to administer, maintain and operate an After School Playground Program at Lockeford Street.

- b) Agenda item #H-2 entitled, "Approve Policy Relating to Council Member Travel and Business".

City Manager Flynn reported that the City already has an existing Travel and Business Expense Policy and suggested giving the new City Clerk an opportunity to implement the policy as it stands, since it was not followed as closely previously.

In response to Council Member Pennino, City Manager Flynn confirmed that when other departments do not spend their allocation, it is carried over into the second year of the two-year budget.

Council Member Pennino noted that in his letter dated June 2, 2000 (a copy of which is on file in the City Clerk's Office), he recommended the rollover into the next year; however, that is exactly what is stated in the policy. In light of this, he felt that no action was needed and the existing policy was fine.

Mayor Pro Tempore Nakanishi recommended that the Council travel expense be reduced by 50% to \$2,500 each.

Council Member Hitchcock distributed a recommendation to the Council (a copy of which is on file in the City Clerk's Office) and noted that Council Members are accountable to the electorate, not to each other. She commented that she has exceeded the \$5,000 limit because of participation at the state and national committees. Council Member Hitchcock suggested that the Mayor have an additional \$1,000 over and above what Council Members are allocated. Further, she stated if a Council Member serves on a League of California Cities policy committee, it could involve additional travel expenses of \$500. Also, if a Council Member serves on a National League of Cities policy or steering committee, it would involve attending the annual conference in Washington D.C. Northern California Power Agency (NCPA) and American Public Power Association (APPA) both have monthly meetings and annual conferences. Council Member Hitchcock suggested that rather than come back to Council each time, staff should put into the budget something additional for those serving on these committees, because \$5,000 is not an adequate amount if Council Members attend these additional conferences.

Mayor Mann clarified that he is not taking issue with the kind of expenses or amount. He explained that his approach is to get the expenses approved before they are made in order to inform the public about what is being spent and why.

Council Member Land stated that he looks at the position of Council Member more as a volunteer position, and that he is embarrassed over this situation. He proposed that all salary, benefits and travel expenses be eliminated, adding that he would be willing to pay for all of his own expenses. He emphasized that serving the community is his priority.

Council Member Pennino referenced the existing policy, adopted by Council in 1994, which states in part, "The City Council budget for travel and business expenses will be allocated to each Council Member. Within each allocation the Council Member will have the discretionary authority to incur travel and business expenses. For amounts greater than the initial allocation for special meetings, conferences and activities a special appropriation must be made by City Council." Each year the Council establishes an amount. If a Council Member does not want to use it, they do not have to. It is at the Council Member's discretion. The Council should not be making decisions for future Councils. In reference to Council Member Hitchcock's proposal, Council Member Pennino suggested that extra committee expenses can be placed on the Consent Calendar of the City Council agenda.

Council Member Pennino made a motion that Council take no action on this matter as the current policy is adequate. The motion **died** for lack of a second.

Further, Mayor Pro Tempore Nakanishi made a motion to lower the Council Member expense accounts from \$5,000 to \$2,500 per budget year. The motion **died** for lack of a second.

Following additional discussion, the City Council, on motion of Mayor Mann, Pennino second, adopted Resolution No. 2000-131 amending the *City of Lodi Travel and Business Expense Policy and Procedures*, by adding the following language:

Budget Council Member expense accounts for a two-year period by prohibiting Council Members from exceeding the two-year budget total for their respective accounts. If a Council Member overspends one year, their account must be reduced by the amount overspent the following year, and in turn, if the Council Member under spends one year, that amount will be carried over to their second-year budget. Additionally, Council travel and business expenses may not be charged to any other category other than travel business (except in specific cases where another governmental agency will fund it).

The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Pennino and Mann (Mayor)

Noes: Council Members – Land and Nakanishi

Absent: Council Members – None

- c) Agenda item #H-3 entitled, "Approve Policy Relating to Expenditures Made from City 'Protocol Account'".

City Manager Flynn introduced this matter and reviewed Mayor Mann's proposal as shown below.

- Impose a \$100 ceiling, or some other appropriate limit, for expenditures made from the City's "Protocol Account", above which would require specific City Council approval by placing the item on a regular City Council agenda. The staff report should include justification for the event, a summary of who the invited guests will include, and an itemized estimation of the costs to be incurred.
- Require a written accounting of costs for each event, to be provided to the City Council within 30 days following each occasion.
- Prohibit the practice of charging to unrelated accounts the costs of such social events.

Mr. Flynn noted that under Representation Expenses in the *City of Lodi Travel and Business Expense Policy and Procedures* is a general description of what is intended by representing the City at official functions.

Mayor Mann indicated that he was trying to apply the same rationale for the "Protocol Account" as for the travel and business issue. The public needs to know on what events the City is spending money, and the Council should approve these types of expenditures above a specific dollar amount.

Council Member Hitchcock expressed that she is not as much concerned about a ceiling limit, as to how, and for what, the money is being spent. Perhaps category guidelines should be set and a listing of expenses be provided to Council.

Council Member Pennino stated that the "Protocol Account" was administered largely by the City Clerk, and the Council has not monitored it. The monthly reports by the Finance Department are listed with the balance only and not a line item breakdown. The Council should give the new City Clerk an opportunity to manage the "Protocol Account".

Speaking on the matter was Bob Johnson, 1311 Midvale Road, Lodi, who concurred with the proposal for monthly itemization of the "Protocol Account". Mr. Johnson noted that the Council Members' calendar, which the City Clerk reviews at Shirtsleeve Sessions, contains a list of functions that Council Members are requested to attend, consequently the Council should have been aware that the "Protocol Account" was being used. He reminded Council that his recommendation was that Council and Department Head expenditures should be disclosed in a listing available at each Council meeting.

Council Member Hitchcock requested that discussion regarding the disclosure of Council Members' and Department Heads' expenditures be placed on a future agenda.

Following further discussion, the City Council, on motion of Council Member Pennino, Land second, adopted Resolution No. 2000-126 approving the following Policy relating to the City's "Protocol Account" by the vote shown below:

- Impose a \$1,000 ceiling for expenditures made from the City's "Protocol Account", above which would require specific City Council approval by placing the item on a regular City Council agenda. The staff report should include justification for the event, a summary of who the invited guests will include, and an itemized estimation of the costs to be incurred.
- Require a monthly itemized report of the "Protocol Account" to be provided to the City Council.

Ayes: Council Members – Hitchcock, Land and Pennino  
Noes: Council Members – Nakanishi and Mann (Mayor)  
Absent: Council Members – None

13. ORDINANCES

None.

14. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Ron Birchard, 1115 Inverness Drive, Lodi, requested a status report on Katzakian Park and stated that the communication between the City and the homeowners' association regarding this issue is not adequate. Mr. Birchard asked that a City representative appear at its August association meeting to discuss this matter.

Mayor Mann assured Mr. Birchard that he will receive a phone call this week with the status. City Manager Flynn reaffirmed that Mr. Birchard will be contacted, and stated that a City representative will attend its upcoming meeting.

- b) John Johnson, 106 South Orange Avenue, Lodi, suggested that interested citizens be authorized to form a committee to create a tree policy for the City of Lodi.

Further, Mr. Johnson stated that he asked previously why the Parks and Recreation Department funds programs for people that do not live within the City. He has received a number of documents from the City Clerk's Office pertaining to the Parks and Recreation Commission and their direction from Council since its inception; however, nothing in those documents gave them the authority or instructions to provide services to the County. Mr. Johnson has asked for the City Attorney's advice on more than one occasion, yet has not received a response. He has also checked with the Parks and Recreation Department by letter, fax and phone, and his requests have been ignored. Mr. Johnson suggested that the City have priority sign up sheets for Lodi citizens, and if the programs fill up before County residents can sign up, then possibly the County will help fund the programs.

In addition, Mr. Johnson commended Council Member Land for his comments regarding Council benefits.

Council Member Hitchcock suggested that perhaps BOBS has a policy about registering County applicants. Mr. Johnson responded that his concern is not with BOBS, since it is a non-profit organization affiliated with the City.

Council Member Hitchcock asked that the proposed Heritage Tree Ordinance, prepared by the Planning Commission, come back to the City Council for discussion.

Council Member Pennino indicated that he is not aware of any problems the City has had since hiring an Arborist. He clarified that the Parks and Recreation Commission does not set policy, the Council does. He believes the Council set the boundaries for the Parks and Recreation programs in the 1980s, and further noted that approximately 50% of Lodi's tax dollars comes from outside the City limits.

15. VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

Pursuant to the Lodi Municipal Code, the City Council, on motion of Council Member Pennino, Nakanishi second, voted unanimously to continue with the remainder of the meeting following the 11:00 p.m. hour.

16. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS (Continued)

- a) Virginia Lahr, 311 East Elm Street, Lodi, stated that she is glad to see the City is once again removing mistletoe and complimented the contractor Berndt Tree Service on the good job they did on removing the mistletoe from her neighbor's tree. Further, she complimented the City on its program for installing missing sidewalks in neighborhoods.
- b) Mike Locke, 5 North School Street, Lodi, commented that the entrance into Lodi on northbound Hutchins Street at Harney Lane needs maintenance. The Welcome to Lodi sign needs repainting and the trees need pruning. Mr. Locke suggested that a service club tackle the project.

In response to Council Member Land, City Manager Flynn stated that funding is available for this area, and he will check on the status. He is aware that the issue of irrigation also needs to be addressed.

17. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Hitchcock reported that she attended an East Side Improvement Committee meeting and was very impressed with the members of the group and the outreach in the community. They do, however, have a lot of frustration that things are moving too slowly. Perhaps the City needs to put more effort and resources into the Code Enforcement division.

Council Member Hitchcock stated that she noticed the City uses the same caterers routinely for events and suggested that we look into rotating events to different caterers and consider going out to bid for large events.

Council Member Hitchcock showed photos taken of a mural project in which funds were raised by offering to paint likenesses of citizens in the mural for a fee.

- b) Mayor Pro Tempore Nakanishi reported that he attended the awards ceremony hosted by San Joaquin Hospice at which they thanked the Council for supporting the Tree of Lights.
- c) Council Member Land stated that he has received numerous complaints about the broadcast of the Council meetings by MediaOne and its poor reception.

Further, Council Member Land thanked PG&E for working with the City in creating the mural on Cherokee Lane and complimented the youth for doing such an outstanding job.

- d) City Manager Flynn noted that staff plans on bringing the issue of mural programs and art in public places back to the Council. In addition, a recommendation on Code Enforcement will be presented to Council at a Shirtsleeve Session in August. Prior to that Shirtsleeve Session, a bus tour of the Eastside will be arranged. Further, staff will bring back an item for Council discussion at the next meeting concerning a policy regarding signature of letters by the Mayor or Council Members in terms of representing the City. Based upon comments received last week, staff is sometimes unable to move forward on important issues, especially when there is a limited time frame in which to respond as a City to the Governor or Legislature.

18. CLOSED SESSION

None.

19. ADJOURNMENT TO VARIOUS AGENCY MEETINGS

Mayor Mann adjourned the City Council meeting at 11:29 p.m. to the following agency meetings:

- Meeting of the Lodi Public Improvement Committee

President Mann called the meeting to order, and the roll was recorded. Inasmuch as a new City Clerk has been appointed, it is necessary to appoint a new Secretary to the Corporation and confirm the officers for 2000.

The Corporation, on motion of Director Pennino, Hitchcock second, unanimously adopted Resolution No. 2000-01 electing officers of the Lodi Public Improvement Corporation.

There being no further business to come before the Corporation, President Mann adjourned the meeting.

*Continued July 19, 2000*

- Meeting of the Industrial Development Authority

Chairperson Mann called the meeting to order, and the roll was recorded. Inasmuch as a new City Clerk has been appointed, it is necessary to appoint a new Secretary to the Authority and confirm the officers for 2000.

The Authority, on motion of Member Nakanishi, Land second, unanimously adopted Resolution No. IDA-20 electing officers of the Industrial Development Authority.

There being no further business to come before the Authority, Chairperson Mann adjourned the meeting.

- Meeting of the Lodi Financing Corporation

President Mann called the meeting to order, and the roll was recorded. Inasmuch as a new City Clerk has been appointed it is necessary to appoint a new Secretary to the Corporation and confirm the officers for 2000.

The Corporation, on motion of Director Pennino, Hitchcock second, unanimously adopted Resolution No. LFC2000-06 electing officers of the Lodi Financing Corporation.

There being no further business to come before the Corporation, President Mann adjourned the meeting.

- Meeting of the City of Lodi Redevelopment Agency

Chairperson Mann called the meeting to order, and the roll was recorded. Inasmuch as a new City Clerk has been appointed, it is necessary to appoint a new Secretary to the Agency and confirm the officers for 2000.

The Agency, on motion of Member Pennino, Hitchcock second, unanimously adopted Resolution No. RDA2000-02 electing officers of the City of Lodi Redevelopment Agency.

There being no further business to come before the Agency, Chairperson Mann adjourned the meeting.

Mayor Mann reconvened the City Council meeting at approximately 11:32 p.m.

20. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:32 p.m.

ATTEST:

Susan J. Blackston  
City Clerk